

REMARKS

This application, as amended herein, contains claims 1-18.

Rejection under 35 U.S.C. 112

Claims 1-3 and 18 were rejected under 35 U.S.C. 112 as being indefinite. It is believed that the amendments made to claim 18 herein now render the claim definite. With respect to claim 1, the examiner is respectfully directed to the specification at page 5, last paragraph, and page 8, line 11 to page 10, line 14. There is more than adequate disclosure of apparatus for performing what is recited in claim 1. In fact, the Examiner is correct in asserting that claim 1 may be interpreted to refer to software that can perform the tasks listed in claim 1. However, it may also encompass hardware, or a combination of hardware and software, for which there is more than adequate support in the specification, at the places noted above. Thus, it is submitted that claim 1 is definite within the meaning of 35 U.S.C. 112. Withdrawal of this rejection of claims 1-3 and 18 is respectfully requested.

Rejections based on Lee (U.S. Patent No. 6,748,367)

It is respectfully pointed out to the Examiner that Lee is not a proper reference against the present application, for the following two reasons taken together:

1. The priority date to which the applicants of the present invention are entitled (March 30, 2000) based on their

filing of a corresponding application in Japan, is prior to the filing date of the regular application of Lee (serial number 09/667,832, filed on September 21, 2000).

2. The Examiner has relied on Lee for the teaching of the use of a temporary account. However, a careful review of Lee's provisional application (serial number 60/155,858 filed on September 24, 1999) which is available in the public portion of the PAIR system, shows that the provisional application does not teach or even remotely suggest the use of a temporary account, such as, for example, one that is set up for the a current transaction, and then is deleted after the transaction has been completed. The undersigned has carefully reviewed the provisional application, and notes that it is directed to an internet teller machine, which generates digital tokens or digital cash that may be pasted on to a vendor's payment form (provisional specification, page 5 of 10, top). Tokens are moved to a claim pool (provisional specification, page 5 of 10, top); there is no temporary account. Since the first disclosure of a temporary account is in Lee's serial number 09/667,832, filed on September 21, 2000, that is its effective date as a reference (In re Wertheim, 646 F.2d 527 (CCPA 1981), 209 USPQ 554). Because that date is later than Applicants' claimed priority date, Lee is not a reference for the subject matter asserted.

To support Applicant's claim to priority, a verified English language translation of the application from which priority, under 35 U.S.C. 119, is claimed will be submitted shortly.

Specific Rejections Based on Lee

Claims 8 and 13-15 were rejected as being anticipated by Lee. Claims 1, 3, 10, 11 and 12 were rejected as being obvious over Lee in view of Abecassis. Claim 2 was rejected as being unpatentable over Lee in view of Abecassis further in view of Lai. Claims 5 and 6 was rejected as being unpatentable over Chang in view of Abecassis further in view of Lee. Claim 9 was rejected as being unpatentable over Lee in view of Chang in view of Abecassis.

In each of these rejections, the Examiner has relied on Lee to teach a temporary account. However, because the Examiner may not rely on Lee, for this subject matter, for the reasons set forth above, all of these rejections must be withdrawn. Thus it is submitted that claims 8, 13-15, 1, 3, 10, 11, 12, 2, 5, 6 and 9 are all directed to patentable subject matter.

Other Rejections

Claims 16 and 17 were rejected under 35 U.S.C. 102(b) as anticipated by Abecassis.

By amendment herein, claim 16 (and claim 17 which depends from claim 16)) has been amended to recite a display for receiving and displaying the contents of a temporary account used for the transaction. Thus, claims 16 and 17 are not anticipated or rendered obvious by Abecassis. Withdrawal of this rejection is respectfully requested.

Claim 4 was rejected as being unpatentable over Chang in view of Abecassis.

As amended herein, claim 4 recites: "said purchaser employing a first key, which is held at a financial institution and which only said purchaser can access, to place a first lock on money held by said financial institution, in a temporary account, for purchasing said goods;..." Thus, claim 4 patentably distinguishes from Chang and Abecassis, or the combination thereof, because there is no teaching or suggestion to use a temporary account in either Chang or Abecassis.

Claim 7 was rejected as unpatentable over Chang in view of Abecassis, and further in view of Lai. Claim 7 depends from claim 4. For the reasons set forth above with respect to claim 4, it is submitted that claim 7 is directed to patentable subject matter.

In view of the above, it is submitted that all of the claims are patentable over the art of record. Allowance of this application is respectfully requested.

Applicants request an extension of time of three months for the filing of this paper. A check for \$1,020 is enclosed.

Respectfully submitted,

David Aker

David Aker, Reg. No. 29,277
23 Southern Road
Hartsdale, NY 10530

11/28/2005

Date

Tel. & Fax 914 674-1094